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(SPACE BELOW FOR FILING STAMP ONLY)

Attorneys for Defendant
USAA CASUALTY INSURANCE COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PETER A. RICHARDSON, an Individual,
Plaintiff,
v.

CASE NO. C 08-00302 SI

**NOTICE OF MOTION AND MOTION TO
STRIKE PORTIONS OF COMPLAINT
FOR DAMAGES**

USAA CASUALTY INSURANCE
COMPANY, an insurance company form
of business unknown, and DOES 1-5,
Defendant.

Date: February 29, 2008
Time: 9:00 a.m.
Ctrm: 10
Before: Honorable Susan Illston

Complaint Filed: 12/17/07

**[Accompanying Documents: Memorandum
of Points And Authorities; [Proposed] Order]**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

NOTICE IS HEREBY GIVEN that on February 29, 2008, at 9:00 a.m., or as soon thereafter as the matter can be heard, in Courtroom #10 of the above-entitled Court located at 450 Golden Gate Avenue, 19th Floor, San Francisco, California, USAA CASUALTY INSURANCE COMPANY ("USAA CIC"), will move this Court for an order pursuant to Federal Rule of Civil Procedure 12(f) striking portions of the Complaint as follows:

1. Paragraph 28 in its entirety.
2. Plaintiff's prayer for punitive damages against USAA CIC, at page 5, lines 13-14.

This motion is brought on the grounds that, pursuant to F.R.C.P. 12(f), this Court may

1 strikeout any redundant, immaterial, impertinent and/or scandalous matter inserted into any
2 pleading, including punitive damages allegations.

3 This motion is based upon the Notice of Motion and Motion to Strike, the accompanying
4 Memorandum of Points and Authorities, the papers, records and pleadings on file herein, the
5 reply (if any) to be filed, and any such other oral or documentary evidence that may be presented
6 at the time of hearing on this motion.

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8 Dated: January 22, 2008

McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP

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10 By: /s/ Jack S. Fischer

11 James P. Wagoner
12 Jack S. Fischer
13 Attorneys for Defendant USAA CASUALTY
14 INSURANCE COMPANY

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